

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TERRY JAMES MAIER,)	
)	
Plaintiff,)	Case No. 08 C 1837
)	
v.)	
)	
UNITED STATES,)	Judge St. Eve
)	
Defendant.)	

**DEFENDANT UNITED STATES’
STATEMENT OF MATERIAL FACTS IN SUPPORT OF SUMMARY JUDGMENT**

Defendant, United States, by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, provides the following statement of material facts pursuant to Rule 56.1 of the Local Rules of the United States District Court for the Northern District of Illinois:

1. On March 19, 2008, IRS Revenue Agent Marianne Chianelli issued administrative summonses concerning taxable year 2003 to Nature’s Sunshine Products, Inc.; Sho-Deen, Inc.; Northwest Metalcraft; and DRH Cambridge Homes, Inc., seeking information relating to any relationship “Terrence Maier” and/or “Maier Precast, Inc.” may have had with the respective business entities. *See* D. 1, Case No. 08 C 1837, attachments to petition.¹
2. Each summons bears a return date of April 18, 2008, reflects that it was issued as part of an IRS investigation of Maier’s federal income tax liabilities for 2003, and references Maier’s social security number. D. 1, Case No. 08 C 1837, attachments to petition.

¹ “D” references are to the numbered items in the court’s docket for the identified case number.

3. A database maintained by Westlaw reflects that various UCC1's have been filed with the Illinois Secretary of State that list "Terry Maier" and "Maier Precast" together as a debtors to the Community Bank of Plano and also identifies Maier's home address, 14780 Galena Road, Plano, IL 60545, as the address for Maier Precast. Exhibit 1, Westlaw, Uniform Commercial Code Reports.
4. On March 31, 2008, Maier filed a petition with the district court seeking to quash all four IRS third-party summonses. D. 1, Case No. 08 C 1837. In his petition, Maier alleges that the IRS summonses should be quashed because: (1) he is not a person subject to the summons authority of the IRS; (2) they are identical to some summonses that were previously issued in January 2008; (3) they relate to a company allegedly dissolved in 1997; (4) they reference "Terrance Maier" rather than "Terry James Maier;" and (5) they are overbroad and violate his Fourth Amendment rights. D. 1, Case No. 08 C 1837.
5. Since the date Maier filed his petition to the date of the filing of this statement, the district court clerk's office has not issued any summonses for service in Case No. 08 C 1837. D. *passim*, Case No. 08 C 1837.

6. Maier was previously advised of the requirements necessary to properly serve the United States when the United States raised and briefed the issue of service in the previously dismissed lawsuit, *Maier v. United States*, No. 07 C 5112. D. 12 & 14, Case No. 07 C 5112.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

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UNIFORM COMMERCIAL CODE REPORT

Information Current Through: 07-03-2008
Database Updated: 07-16-2008
Update Frequency: Weekly
Current Date: 07/17/2008
Source: IL SECRETARY OF STATE
FILING INFORMATION

Filing Number: 5096782
Filing Date: 04/16/2002
Filing Time: 10:01PM
Expiration Date: 05/30/2007
Filing Type: AMENDMENT
Filing Date of Related Filing: 05/30/1997
Filing Office: SECRETARY OF STATE/UCC DIVISION
350 W HOWLETT BLD
SPRINGFIELD, IL 62706

DEBTOR INFORMATION

Debtor(s): MAIER PRECAST
14780 GALENA RD
PLANO, IL 60545

D&B DUNS Number: 02-116-5642
MAIER, TERRY
14780 GALENA RD
PLANO, IL 60545
MAIER, TERRY
14780 GALENA RD
PLANO, IL 60545

SECURED PARTY OR CREDITOR INFORMATION

Secured Party(s): COMMUNITY BANK
2005 W RTE 34 PO BOX 127
PLANO, IL 60545

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Database Updated: 07-16-2008
Update Frequency: Weekly
Current Date: 07/17/2008
Source: IL SECRETARY OF STATE
FILING INFORMATION

Filing Number: 5096790
Filing Date: 04/16/2002
Filing Time: 10:02PM
Expiration Date: 05/30/2007
Filing Type: CONTINUATION
Filing Date of Related Filing: 05/30/1997
Filing Office: SECRETARY OF STATE/UCC DIVISION
350 W HOWLETT BLD
SPRINGFIELD, IL 62706

DEBTOR INFORMATION

Debtor(s): MAIER PRECAST
14780 GALENA RD
PLANO, IL 60545

D&B DUNS Number: 02-116-5642

MAIER, TERRY
14780 GALENA RD
PLANO, IL 60545
MAIER, TERRY
14780 GALENA RD
PLANO, IL 60545

SECURED PARTY OR CREDITOR INFORMATION

Secured Party(s): COMMUNITY BANK
2005 W RTE 34 PO BOX 127
PLANO, IL 60545

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Information Current Through: 07-03-2008
Database Updated: 07-16-2008
Update Frequency: Weekly
Current Date: 07/17/2008
Source: IL SECRETARY OF STATE
FILING INFORMATION

Filing Number: 8854545
Filing Date: 01/26/2007
Filing Time: 3:30PM
Expiration Date: 05/30/2012
Filing Type: CONTINUATION
Filing Date of Related Filing: 05/30/1997
Filing Office: SECRETARY OF STATE/UCC DIVISION
350 W HOWLETT BLD
SPRINGFIELD, IL 62706

DEBTOR INFORMATION

Debtor(s): MAIER PRECAST
14780 GALENA RD
PLANO, IL 60545

D&B DUNS Number: 021165642
MAIER, TERRY
14780 GALENA RD
PLANO, IL 60545
MAIER, TERRY
14780 GALENA RD
PLANO, IL 60545

SECURED PARTY OR CREDITOR INFORMATION

Secured Party(s): COMMUNITY BANK
2005 W RTE 34 PO BOX 127
PLANO, IL 60545

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Information Current Through: 07-03-2008
Database Updated: 07-16-2008
Update Frequency: Weekly
Current Date: 07/17/2008
Source: IL SECRETARY OF STATE
FILING INFORMATION

Filing Number: 3695754
Filing Date: 05/30/1997
Filing Time: 2:17PM
Expiration Date: 05/30/2002
Filing Type: ORIGINAL
Filing Office: SECRETARY OF STATE/UCC DIVISION
STATE HOUSE
SPRINGFIELD, IL 62706

DEBTOR INFORMATION

Debtor(s): MAIER, TERRY
14780 GALENA RD
PLANO, IL 60545

D&B DUNS Number: 02-116-5642
MAIER PRECAST
14780 GALENA RD
PLANO, IL 60545

SECURED PARTY OR CREDITOR INFORMATION

Secured Party(s): COMMUNITY BANK
2005 W RTE 34 PO BOX 127
PLANO, IL 60545

COLLATERAL INFORMATION

Collateral Type: INVENTORY
Collateral Type: EQUIPMENT
Collateral Type: MACHINERY

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Collateral Type:	VEHICLES
Collateral Type:	FIXTURES
Collateral Type:	BUSINESS MACHINERY/EQUIPMENT
Collateral Type:	ACCOUNT(S)
Collateral Type:	CHATTEL PAPER

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UNIFORM COMMERCIAL CODE REPORT

Information Current Through: 07-03-2008
Database Updated: 07-16-2008
Update Frequency: Weekly
Current Date: 07/17/2008
Source: IL SECRETARY OF STATE
FILING INFORMATION

Filing Number: 2971336
Filing Date: 04/08/1992
Filing Time: 9:40PM
Expiration Date: 04/08/1997
Filing Type: ORIGINAL
Filing Office: SECRETARY OF STATE/UCC DIVISION
STATE HOUSE
SPRINGFIELD, IL 62706

DEBTOR INFORMATION

Debtor(s): MAIER, TERRY DBA MAIER PRECAST
14780 GALENA RD
PLANO, IL 60545
D&B DUNS Number: 02-116-5642

SECURED PARTY OR CREDITOR INFORMATION

Secured Party(s): COMMUNITY BANK OF PLANO
2005 W RT 34
PLANO, IL 60545

COLLATERAL INFORMATION

Collateral Type: SPECIFIED EQUIPMENT

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